

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No. 22-0268-CV-w-BCW-p

(to be filled in by the Clerk's Office)

Diego Ivan Garcia
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
Grain Valley Police
Department
Detective Shawn Vaughan
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Picop Ivan Garcia

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Grain Valley police department
police District (police station)

city of Grain Valley 711 N main st
Grain Valley mo 64029
City State Zip Code

☐ Individual capacity

☒ Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Shawn Vaughan
Detective (police officer)

Grain Valley police department
711 N main st
Grain Valley mo 64029
City State Zip Code

☒ Individual capacity

☐ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Section 565.130 Chapter 565 for my False Arrest And no Rev Stat § 575.080

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

with Assistant Chief (James Beale) to lift false allegations of harassment over the phone to the Grain Valley Secretaries (which this falls under police reports) And I declare my self a victim of my civil rights I do claim an attorney at State Statute code 1983 Section 575.08

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

☒ Other (explain) Not currently but previously Detained As A
unconvicted or not found guilty detainee

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Valley MO 64029 in may of 2018 on the 21st of may false Allegations lifted up by Detective Shawn Vaughn

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Jackson County Jail on may 24 of 2018
located at 1300 Cherry St Kc mo

(IV.) Diego & Garcia were state I was wrongfully charged with a false lying state charge of 2nd degree harassment in Jackson county. Mr. Detective Shawn Vaughan lifted false lying Accusations of harassment to Assistant prosecutor Michael Hunt. Detective Shawn Vaughan also made false police report within the Grain Valley police department. Mr. Shawn Vaughan made and or coerced me into calling the Grain Valley police every time I had a complaint or questions about police reports that being in general. Apparently Shawn Vaughan used his calls to record me and lie to Assistant prosecutor Michael Hunt. And wrongfully charge me into a charge of state 2nd degree harassment in Missouri Jackson county.

C. What date and approximate time did the events giving rise to your claim(s) occur?

12/05/2017 05/10/2018

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was a victim of False Arrest And imprisonment by an officer who did committed false police reports in the past this time he lied for example every time I called the grain valley P.D to report a complaint or questions about police reports. Detective Shawn Vaughn would record my calls and him and captain James Beale instructed me to do every time I had a concern or question to phone the grain valley exp

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

emotional Distress False Arrest And imprisonment financial loss Assault at the Jackson county Jail in mar 2018 I was wrongfully charged with a state of charge in Jackson county Missouri of 2nd degree harassment totally unlawfully by undelined time frame of calls I made to the grain valley police department Due to Real service calls And Real life emergencies that were not for harassment purposes

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

get compensated for my monetary money damages Done by this false police reports made by Detective Shawn Vaughn And get a federal question on my federal Application for a Violation of my civil rights law under mo statute code 31983 claim's Act I Am seeking punitive Damages for legal counsel fees And medical treatment that equals over 4,000 Due to me not being found guilty And never convicted of False state charge of 2nd degree harassment in Jackson county.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Jackson County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

at the Jackson County Jail at the medical holding cells

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

my grievance was never fully investigated

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

my complaint was never looked into or investigated by either the grain valley police department or the Jackson County Sheriff Office

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

because the grain valley police department doesn't have an internal affairs unit

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed the F.B.I. never got a full legal response. I contacted as well the missouri Attorney general. I contacted Assistant Prosecutor Michael Hunt. I contacted the missouri lawyer bar Association

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I got to Advise Michael Hunt of my false arrest and Imprisonment regarding the false state charge of 2nd degree harassment, which there was no legal outcome I got an old of The Sheriff's Office and the no highway patrol.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

~~N/A~~ still pending

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Amended

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

06/ /2022

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Diego Ivan Garcia
Diego Ivan Garcia

City

State

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

Diego Ivan Garcia)
Plaintiff, Petitioner or Movant)
)
Grain Valley Police)
Department)
Detective Shawn Vaughan)
Defendant(s) or Respondent(s))

Case No. _____

AFFIDAVIT IN SUPPORT OF REQUEST TO
PROCEED *IN FORMA PAUPERIS* -- PRISONER CASES

I, Diego Ivan Garcia declare (1) that I am the plaintiff in this case; (2) that in support of my motion to proceed without being required to **prepay** fees or costs, I state that because of my poverty, I am unable to pay the costs of this proceeding; and (3) that I believe I am entitled to relief. (Note: Prisoners must pay the full filing fee of \$350.00 in civil rights cases even if they are granted leave to proceed *in forma pauperis* and even if this case is dismissed at a later time by the Court. See 28 U.S.C. § 1915 (e)(2) and *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997)(under Prison Litigation Reform Act, prisoners are responsible for filing fees the moment a civil action is filed). See instructions provided with this packet.

1. Place of confinement of plaintiff: _____

2. Crime(s) for which you have been convicted, date and sentence on each:
NON conviction Items

3. Are you presently employed? Yes _____ No ☒
 - a. If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer.

 - b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.
(55)

4. Have you received, within the past twelve (12) months, money from any of the following sources?

	Yes	No
Business, profession or form of self-employment?	___	<input checked="" type="checkbox"/>
Rent payments, interest or dividends?	___	<input checked="" type="checkbox"/>
Pensions, annuities or life insurance payments?	___	<input checked="" type="checkbox"/>
Gifts or inheritances?	___	<input checked="" type="checkbox"/>
Any other sources?	___	<input checked="" type="checkbox"/>

If the answer to any of the above is "yes," describe the source and amount of money received from each during the past twelve (12) months.

5. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts during the last six (6) months.) Yes ___ No ☒

If the answer is "Yes," state the total amount of cash owned, and the average monthly balance in all checking, savings or prison accounts during the last six (6) months.

6. Do you own real estate, stocks, bonds, notes, automobiles, jewelry or other valuable property (excluding ordinary household furnishings and clothing)? Yes ___ No ☒

If the answer is "yes," describe the property and state its approximate value.

7. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

None / N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 27 day of June 2022.

Diego Ivan Garcia
Signature(s) of Plaintiff(s)
